

**THIRD TAXING DISTRICT
REGULAR MEETING
MARCH 20, 2006**

ATTENDANCE: David Brown, Chair; Paul Coggin, Timothy Plunkett

STAFF: George Leary, District Manager; Attorney Simon Sumberg

OTHERS: Steve Orris, Diane Cece, Laurel Lindstrom, Karen Page,
Joe Chariott, Union President; Timothy Lyons, Union Member
Don Nelson, Clean and Green.

CALL TO ORDER

Chairman Brown called the meeting to order at 7:11 p.m.

Chairman Brown stated that he would like to address the issues on the agenda out of order. He also stated that he believed items #23, 24, and 25 should be handled at special meetings and item #3 should be handled in executive session.

**** MR. COGGIN MOVED TO TAKE THE AGENDA ITEMS IN THE ORDER OF ITEMS #1, 2, 12, 3, AND 5 WITH THE REMAINING ITEMS TO FOLLOW AS DISCUSSED.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED WITH TWO IN FAVOR (COGGIN AND PLUNKETT) AND ONE OPPOSED (BROWN).**

1. PUBLIC COMMENT

Ms. Cece asked the Commisisoners if they planned on suspending the rules to allow Ms. Lindstrom and Ms. Page to speak on the issue of the billboard when the Commisison was discussing it. Mr. Coggin replied that because Ms. Lindstrom and Ms. Page were directly involved in the issue, he believed that the Commission would most likely allow them to comment during the discussion.

Ms. Cece asked why issue of the District Counsel was going to be handled in Executive Session. Mr. Brown replied that Mr. Coggin had proposed some changes to the agreement which would be discussed at that time.

Ms. Lindstrom then asked for clarification about when she would be allowed to speak on the issue of the billboards. She stated that the Eastern Norwalk Neighborhood Association (ENNA) still fully supports the removal of the billboards. Mr. Coggin proceeded to review the history of the efforts to have the billboards at the East Norwalk train station and overpass removed. He also stated that he had received a letter from an

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attorney for Lamar threatening him with a lawsuit for interfering with a contractual agreement. Following this, Ms. Lindstrom informed the Commission that she had received an email on March 8th, confirming her email address from Mr. Paul Macari of Lamar Advertising which listed Ms. Lindstrom's title as "pain in the ass". Ms. Lindstrom gave a copy of this email to Mr. Brown.

Ms. Page reiterated that the East Norwalk Improvement Association (ENIA) fully supports the removal of the billboards.

Mr. Nelson also stated that Clean and Green supported the removal of the billboards and that Clean and Green would be interested in the landscaping done at the site after the boards were removed.

2. MINUTES OF 2/8, 2/21

**** MR. COGGIN MOVE TO AMEND THE AGENDA TO INCLUDE THE MINUTES OF 2/15.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

February 8, 2006 Minutes

Please make the following changes:

Page 1, paragraph 5, line 2: please change "stated that the cemetery is not part" to "stated that the Association is not part".

Page 2, Motion: please change: "February 1st meeting" to February 21st meeting."

**** MR. BROWN MOVED TO ACCEPT THE MINUTES AS CORRECTED.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

February 21, 2006 Minutes

Please make the following changes:

Page 1, Footer - Please change the date in the footer to read February 21, 2006 through out.

Page 1, Third Motion - Please change the motion from:

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**** MR. COGGIN MOVED TO OFFER ATTORNEY SIMON SUMBERG THE POSITION OF DISTRICT COUNSEL FOR THE THIRD TAXING DISTRICT , SUBJECT TO EXECUTION OF A RETAINER. to**

**** MR. COGGIN MOVED TO OFFER ATTORNEY SIMON SUMBERG THE POSITION OF DISTRICT COUNSEL FOR THE THIRD TAXING DISTRICT , SUBJECT TO EXECUTION OF A ENGAGEMENT LETTER SUBJECT TO THE APPROVAL OF THE COMMISSION.**

Page 2, paragraph 3, line 6: please change “that the public should be in attendance then.” to “that the public is invited to attend then.”

Page 5, paragraph 1 - MOTION - Please change the Motion from:

**** CHAIRMAN BROWN MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE UNION GRIEVANCE. to**

**** CHAIRMAN BROWN MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE UNION GRIEVANCE AS REQUESTED BY THE UNION.**

Page 5, paragraph 1, line 1 - Please change the following from:

“M r. Plunkett reported that he had checked w ith Corporation Counsel and that the letter had been sent to Mr. Corsello. H e stated that the situation looks prom ising.” to

“M r. Plunkett reported that he had checked w ith Corporation Counsel and that the original letter had been sent to Mr. Corsello by Attorney Dennin. A new letter was sent to the Corporation Counsel’s office. M r. Plunkett stated that the situation looks prom ising.”

**** MR. BROWN MOVED TO ACCEPT THE MINUTES OF FEBURARY 21ST AS CORRECTED**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

February 25, 2006 Special Meeting Minutes

**** MR. COGGIN MOVED TO APPROVE THE MINUTES AS SUBMITTED.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

12. BILLBOARDS

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Mr. Coggin reviewed the history of the attempt to have the billboards removed for Mr. Plunkett. Attorney Sumberg reviewed the letter from the Nutmeg Law Firm representing Lamar and stated that he would have to review the contractual agreement before giving an opinion. Mr. Brown stated that for the record, he believes that Lamar should be in attendance when the issue is discussed because both viewpoints should be represented.

**** MR. PLUNKETT MOVED TO DELAY ANY ACTION ON THE ISSUE OF THE BILLBOARDS PENDING ATTORNEY SUMBERG'S OPINION.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED WITH TWO IN FAVOR (BROWN AND PLUNKETT) AND ONE ABSTENTION (COGGIN).**

Following the vote, Ms. Lindstrom commented that Lamar put pressure to leave the billboards in place on those who attended the meeting with Lamar in June 2005. Ms. Page commented that the Lamar representative had contacted her both at home and at work about the meeting they had attended. Ms. Lindstrom concurred.

Mr. Coggin began to read a resolution into the record, but on the advice of Attorney Sumberg, withdrew his resolution from consideration.

3. DISTRICT COUNSEL AGREEMENT

District Counsel Resignation

**** MR. COGGIN MOVED TO ACCEPT THE RESIGNATION LETTER OF ATTORNEY DENNIN EFFECTIVE AS OF JULY 2005.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MOVED TO ENTER EXECUTIVE SESSION TO DISCUSS THE LETTER OF ENGAGEMENT FOR ATTORNEY SIMON SUMBERG.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The three Commissioners along with George Leary and Attorney Sumberg went into Executive Session at 8:24 p.m. and reconvened into Public Session at 9:19 p.m.

Mr. Brown directed Attorney Sumberg to amend the agreement letter as discussed and to resubmit the engagement letter for the Commissioner's signatures.

5. GRIEVANCE APPEALS

**** CHAIRMAN BROWN MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE UNION GRIEVANCES AT THE REQUEST OF THE UNION.**

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**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The three Commissioners along with George Leary, Attorney Sumberg, Joe Chariott and Tim Lyons went into Executive Session at 9:23 p.m. and reconvened into Public Session at 10:24 p.m. Mr. Brown stated that the Commission would be asking Mr. Lyons for more information pertaining to his grievance. Mr. Plunkett stated that the Union and the Commission agreed to waive the timelines.

**** MR. PLUNKETT MOVED TO UPHOLD GENERAL M A N A G E R L E A R Y ' S
D E C I S I O N T O D E N Y M R . C H A R I O T T ' S G R I E V A N C E F I L E D O N F E B R U A R Y
7, 2006.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED WITH TWO IN FAVOR (BROWN AND PLUNKETT)
AND ONE AGAINST (COGGIN).**

**** M R . P L U N K E T T M O V E D T O U P H O L D G E N E R A L M A N A G E R L E A R Y ' S
D E C I S I O N T O D E N Y M R . M I T C H E L L ' S G R I E V A N C E F I L E D O N F E B R U A R Y
7, 2006.**

**** MR. BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

4. COMMISSION MEETING PROCEDURE

Public Participation at Commission Meetings.

Mr. Brown explained that Ms. Cece had requested that the public be given a chance to comment after the discussion of each item but before the Commissioners vote and had suggested that it be done for two meetings on a trial basis. Mr. Plunkett explained his concerns regarding this. Attorney Sumberg consulted Roberts Rules and stated that it was up to the discretion of the Chair to allow public comment after the Comment session.

Attorney Sumberg asked Ms. Cece if she felt stifled and Ms. Cece replied that in the past, she had. She stated that asking for a suspension of the rules was intimidating and commented that often the minutes did not give enough information to evaluate an issue.

**** MR. BROWN MOVED TO CONTINUE THE PUBLIC COMMENT SESSION
AT THE BEGINNING OF THE MEETING BUT NOT TO UNREASONABLY
DENY ANYONE WHO WISHES TO ADD SOMETHING BEFORE A VOTE IS
TAKEN BY THE COMMISSION, WHICH SHALL BE DONE BY ASKING FOR
A SUSPENSION OF THE RULES.**

Following some further discussion, it was decided to continue with the procedure outlined in Robert's Rules.

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**** THE MOTION FAILED FOR LACK OF A SECOND.**

17. EXPENSE REIMBURSEMENT POLICY

Following a discussion about reimbursement policies initiated by Mr. Brown, both Mr. Coggin and Mr. Plunkett stated that they supported a policy for the Commissioners to be reimbursed for legitimate business expenses. For example, office supplies would be documented via the receipt and mileage would be reimbursed according to the IRS rate.

8. CABLE REPLACEMENT CIRCUIT #8

Mr. Leary informed the Commission that a cable had failed and needed to be replaced immediately.

**** MR. COGGIN MOVED TO REPLACE CIRCUIT #8 BY AWARDED A CONTRACT TO THE LOW BIDDER, CENTRAL CONNECTICUT CABLE AT A COST NOT TO EXCEED \$32,050. IF CENTRAL CONNECTICUT CABLE IS NOT ABLE TO PERFORM, THE CONTRACT IS TO BE AWARDED TO SULLIVAN CABLE AT AT COST NOT TO EXCEED \$32,050.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

9. SUMMER INTERN

**** MR. BROWN MOVED TO APPROVE THE HIRING OF A SUMMER INTERN AT THE GENERAL MANAGER'S DISCRETION FOR THE SUMMER OF 2006.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

15. WEBSITE IMPROVEMENTS

Mr. Leary stated that the work on the Website has been distributed.

10. LAWN CARE

Mr. Orris informed the Commission that he had sent out six quotes for fertilizing the six District parks and only received one back for \$11,000. He was asked to bring the quote to the Commission for discussion.

ADJOURNMENT

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Mr. Coggin suggested scheduling agenda items 22, 23 and 24 in one hour segments. Mr. Leary will work on scheduling the various parties concerned with those items. It was suggested that the Trustee Presentation be done via a written report.

**** MR. BROWN MOVED TO TABLE AGENDA ITEMS # 10, 11, 14, 16, 18, 19, 20 AND 21 TO THE NEXT MEETING.**

**** MR. PLUNKETT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BROWN MOVED TO ADJOURN THE MEETING**

**** MR. COGGIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 11:27 p.m.

Respectfully submitted.

Sharon L. Soltes
Telesco Secretarial Services